

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

OLDEN TERRY, III

PETITIONER

VS.

CIVIL ACTION NO. 3:17CV697TSL-LRA

WARDEN, FEDERAL CORRECTIONAL
COMPLEX (LOW), YAZOO CITY, MISSISSIPPI

RESPONDENT

ORDER

This cause is before the objections of petitioner Olden Terry, III to the report and recommendation entered by Magistrate Judge Linda R. Anderson on December 19, 2019, recommending that Terry's § 2241 petition be dismissed with prejudice. Having reviewed the objections, the court concludes that it should be overruled and that the report and recommendation should be adopted as the opinion of the court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Linda R. Anderson on December 19, 2019, be adopted, and the same is hereby adopted as the finding of this court.

Accordingly, it is ordered that the petition for writ of habeas corpus is hereby dismissed with prejudice.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

¹ By his objection, Terry cites Fourth Circuit cases for the proposition that the savings clause also applies to sentencing errors. This court, however, must follow the law as determined by the Fifth Circuit, which, as set out in the report and recommendation, has repeatedly rejected challenges to sentencing enhancements under the savings clause.

SO ORDERED this 7th day of January, 2020.

/s/ Tom S. Lee _____
UNITED STATES DISTRICT JUDGE